

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

DAVID CARL,

Plaintiff,

vs.

FIRST NATIONAL BANK OF OMAHA,

Defendant.

Case No.: 2:19-cv-00504-GZS

**RESPONSE TO DEFENDANT'S  
SUPPLEMENTAL STATEMENT OF  
MATERIAL FACTS**

Plaintiff, David Carl ("Plaintiff"), by and through his attorneys, hereby submits this response to Defendant's, First National Bank of Omaha ("Defendant"), supplemental statement of material facts:

1. Qualified. Defendant's self-serving statements speak for themselves. Additionally, Defendant's Voice Portal dialing system has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator. Supplemental Declaration of Randall A. Snyder, Doc. No. 33-8, ¶¶ 10, 51, 52, 57, 58.

Respectfully submitted,

Dated: May 5, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2021, a true and correct copy the foregoing and corresponding documents were filed using the Court's CM/ECF system, which will notify all attorneys of record.

/s/ James A. Sellers, II  
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